



STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RIGHTS

License for Diversion and Use of Water

LICENSE No. **341**

PERMIT No. **1496**

APPLICATION No. **2816**

This is to certify, That **San Joaquin Light and Power Corporation**
of **Fresno, California,** has made proof to the satisfaction of the Division
of Water Rights of California of a right to the use of the waters of **San Joaquin River,**
in **Fresno County,** tributary of **San Francisco Bay**
for the purpose of **generating electric energy**

under Permit No. **1496** of the Division of Water Rights and that said right to the use of said waters has
been perfected in accordance with the laws of California, the rules and regulations of the Division of Water Rights
and the terms of the said permit; that the priority of the right herein confirmed dates from **April 11th,**

1922; that the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to the amount actually beneficially used for said purposes and shall not exceed **one hundred
seventy-five (175) cubic feet per second** from **January 1st to August 15th** of each
season.

The point of diversion of such water is located **North thirty eight degrees forty nine minutes
(38° 49') West four hundred ninety six and six-tenths (496.6) feet** from the one-
quarter corner between Sections 24 and 25, T 9 S, R 22 E, M. D. B. & M., being
within the **SE $\frac{1}{4}$ SW $\frac{1}{4}$** of said Section 24.

A description of the lands or the place where such water is put to beneficial use is as follows:

**At the Kerckhoff Power Plant located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 3, T 10 S, R 22 E,
M. D. B. & M.**

Water to be returned to San Joaquin River within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 3.

The right to the diversion and use of the water aforesaid hereby confirmed is restricted to the point of diver-
sion herein specified and to the lands or place of use herein described.

This license is granted and said appropriator takes all rights herein mentioned subject to the terms and condi-
tions set forth in section 20 of Chapter 586, Statutes 1913, which is as follows:

SEC. 20. All permits and licenses for the appropriation of water shall be under the terms and conditions of this act, and shall be effective for such
time as the water actually appropriated under such permits and licenses shall actually be used for the useful and beneficial purpose for which said water
was appropriated, but no longer; and every such permit or license shall include the enumeration of conditions therein which in substance shall include all
of the provisions of this section and likewise the statement that any appropriator of water, to whom said permit or license may be issued, shall take the same
subject to such conditions as therein expressed; provided, that if, at any time after the expiration of twenty years after the granting of a license, the state,
or any city, county, municipal water district, irrigation district, lighting district, or any political subdivision of the state shall have the right to
purchase the works and property occupied and used under said license and the works built or constructed for the enjoyment of the rights granted under
said license; and in the event that the said state, city, county, municipal water district, irrigation district, lighting district or political subdivision
of the state so desiring to purchase and the said owner of said works and property can not agree upon said purchase price, said price shall be determined
in such manner as is now or may hereafter be determined in eminent domain proceedings. If it shall appear to the state water commission at any time
after a permit or license is issued as in this act provided that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee,
has not put the water granted under said permit or license to the useful or beneficial purpose for which the permit or license was granted, or that the
permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has ceased to put said water to such useful or beneficial purpose,
or that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has failed to observe any of the terms and conditions in
the permit or license as issued, then and in that case the said commission, after due notice to the permittee, licensee, or the heirs, successors or assigns
of such permittee or licensee, and a hearing thereon, may revoke said permit or license, and declare the water to be unappropriated and open to further
appropriation in accordance with the terms of this act. And the findings and declaration of said commission shall be deemed to be prima facie correct
until modified or set aside by a court of competent jurisdiction; provided, that any action brought so to modify or set aside such finding or declaration must
be commenced within thirty days after the service of notice of said revocation on said permittee or licensee, his heirs, successors or assigns. And every
licensee or permittee under the provisions of this act if he accept such permit or license shall accept the same under the conditions precedent that no value
whatsoever in excess of the actual amount paid to the state therefor shall at any time be assigned to or claimed for any permit or license granted or issued
under the provisions of this act, or for any rights granted or acquired under the provisions of this act, in respect to the regulations by any competent public
authority of the services or the price of the services to be rendered by any permittee or licensee, his heirs, successors or assigns or by the holder of any
rights granted or acquired under the provisions of this act, or in respect to any valuation for purposes of sale to or purchase, whether through condemnation
proceedings or otherwise, by the state or any city, county, municipal water district, irrigation district, lighting district or any political subdivision
of the state, of the rights and property of any permittee or licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this
act. The application for a permit by municipalities for the use of water for said municipalities or the inhabitants thereof for domestic purposes shall be
considered first in right, irrespective of whether they are first in time; provided, however, that such application for a permit or the granting thereafter of
permission to any municipality to appropriate waters, shall not authorize the appropriation of any water for other than municipal purposes; and providing,
further, that where permission to appropriate is granted by the state water commission to any municipality for any quantity of water in excess of the existing
municipal needs therefor, that pending the application of the entire appropriation permitted, the state water commission shall have the power to issue permits
for the temporary appropriation of the excess of such permitted appropriation over and above the quantity being applied from time to time by such municipality;
and providing, further, that in lieu of the granting of such temporary permits for appropriation, the state water commission may authorize such municipality
to become as to such surplus a public utility, subject to the jurisdiction and control of the railroad commission of the State of California for such period or
periods from and after the date of the issuance of such permission to appropriate, as may be allowed for the application to municipal uses of the entire
appropriation permitted; and providing, further, that when such municipality shall desire to use the additional water granted in its said application it may do
so upon making just compensation for the facilities for taking, conveying and storing such additional water rendered valueless for said purposes, to the
person, firm or corporation which constructed said facilities for the temporary use of said excess waters, and which compensation, if not agreed upon between
the municipality and said person, firm or corporation, may be determined in the manner provided by law for determining the value of property taken by and
through eminent domain proceedings.

Witness the signature of the **Acting** Chief of the Division of
Water Rights, Department of Public Works of the
State of California, and the seal of said department
this **10th** day of **March**, **1924**.

(SEAL)
MSE/LY

APPROVED:

Acting

Chief of Division of Water Rights, Department of
Public Works of the State of California

Director, State Department of Public Works

A description of the lands or the place where such water is put to beneficial use is as follows:
Within the NW¹ NE¹ Section 6, T 29 S, R 30 E, M. D. B. & M.

Water returned to Kern River within the NW¹ NE¹ of said Section 6.

with the application subject to conditions and limitations of the permit which was issued in approval of the application:-

CONDITION NO. 1

The recipient of this permit and its assigns or successors in interest, hereinafter called "Permittee", expressly agree that if a permit to store water for the purpose of irrigating land in the San Joaquin Valley and in the vicinity of the Kern River shall be hereafter granted, pursuant to application filed after the application upon which this permit is based, so that such storage interrupts or withholds part or all of the flow of the Kern River which otherwise would have been available for lawful diversion for power purposes under this permit, the Permittee will accept in lieu thereof an amount of water released from said storage during the summer and fall months, which together with the natural stream flow of said Kern River during the year shall make available to Permittee for diversion at the place of diversion in this permit specified, an amount equivalent to the quantity which could otherwise have been lawfully diverted by Permittee by virtue of rights acquired with a priority earlier than that of said subsequent permit to store water.

Such release of stored water shall be reasonably uniform and continuous and shall immediately follow the summer decline in the natural flow of the Kern River below 800 second feet at the point of diversion in this permit described.

If the amount of water so released from storage during any calendar year, together with the natural flow of the Kern River past the point of diversion in this permit specified shall make possible the diversion of more water than could have been so lawfully diverted had the natural flow of the stream not been interrupted or withheld by storage under said subsequent permit to store water, then and to that extent such excess shall be a credit to the release of said stored waters.

If the amount of water so released from storage during any calendar year, together with the natural flow of the Kern River past the point of diversion in this permit specified shall not make possible the diversion of as much water as could have been so lawfully diverted had the natural flow of the stream not been interrupted or withheld by storage under said subsequent permit to store water then and to that extent such failure shall be a debit to the release of said stored water to be repaid from said credits to the release of said stored waters or by the release of water in the next succeeding calendar year if an amount adequate for that purpose shall be in storage during the summer months of said next succeeding year, and if the full amount of the accrued debit less accrued credits is not discharged in said next succeeding calendar year and as herein provided, it shall thereafter be discharged in the first succeeding year in which water is available.

Permittee agrees expressly that nothing herein shall be construed to prevent or conflict with the granting of a permit to divert water or with the diversion of said water or of water released from said storage from the Kern River above the point of diversion as herein specified, for the purpose of irrigating agricultural acreage above the 400 foot contour, at any time when the combined natural flow and release of stored water at said point of diversion shall exceed 800 second feet, but only the excess over 800 second feet may be so diverted, or at any time during such periods as the total accrued credits shall exceed the total accrued debits to the release of said stored water as herein defined.

And further agrees expressly that if any dispute arises with an interested party as to the interpretation of this condition or an action to be performed thereunder the decision of the State Water Commission shall be final and conclusive in the premises.

And further agrees expressly, well and faithfully to comply with all orders of the Federal Power Commission giving or intending to give effect to Sections 1 and 2 of Regulation 15 of said Federal Power Commission as approved February 28, 1921, providing for the reimbursement by Permittee herein of other licenses or permittees of the United States Government for the benefit accruing to the Permittee herein by the storage of water or of any other headwater improvement erected and maintained above the point of diversion herein specified; or in event the Federal Power Commission cease or fail to apply and enforce, or that it should not come within the jurisdiction of the Federal Power Commission to apply and enforce said regulation, then to well and faithfully comply with all orders of the State Water Commission applying and enforcing the provisions of said regulations which said provisions are hereby incorporated in this permit in full as a part hereof with the intention of applying said provisions to any works constructed upstream from those of the permittee under other permits issued by the State Water Commission and by which said permittee is directly benefited.

CONDITION NO. 2.

The water appropriated under this permit shall be returned to Kern River so as not to cause any undue or unreasonable fluctuations in the flow of said river below the point of return described herein, and works shall be constructed if necessary to prevent damage to lower diversions by fluctuations in the flow of the river resulting from the operation of the power plant constructed under this permit.

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11/14/41

RECEIVED NOTICE OF ASSIGNMENT

Pacific Gas & Electric Co.

L341

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 2816

PERMIT 1496

LICENSE 341

ORDER ALLOWING CHANGE IN PLACE OF USE

WHEREAS:

1. License 341 was issued to San Joaquin Light and Power Corporation and was filed with the County Recorder of Fresno County on November 27, 1925.
2. License 341 was subsequently assigned to Pacific Gas and Electric Company.
3. A petition for change in place of use has been filed with the State Water Resources Control Board and said Board has determined that good cause for such change has been shown.
4. The Board has determined that such change in place of use will not operate to the injury of any other legal water user involved.

NOW, THEREFORE, IT IS ORDERED THAT:

Permission is hereby granted to change the place of use described as follows:

1. Kerchoff Powerhouse #1: Within SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 3, T10S, R22E, MDB&M. Water will be returned to San Joaquin River within SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 3. 000011
2. Kerchoff Powerhouse #2: Within SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 10, T10S, R22E, MDB&M. Water will be returned to San Joaquin River within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 10. 000011

Dated: MARCH 29 1983

Raymond Walsh
Raymond Walsh, Chief
Division of Water Rights